



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/081,615

02/21/2002

Kazuhiro Sato

450100-3922.2

2828

20999 7590 10/01/2009
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

ZHONG, JUN FEI

ART UNIT

PAPER NUMBER

2426

MAIL DATE

DELIVERY MODE

10/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/081,615	Applicant(s) SATO, KAZUHIRO	
	Examiner JUN FEI ZHONG	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered 6/4/2009.
2. The Non-Final Office Action of 3/4/2009 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 25-40 are pending.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 25-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose "includes an icon representing the recording module".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2426

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henmi (US 5,552,833) in view of Oda et al. (US 5204662), further in view of Haroun et al. (Patent # US 5787259), and further in view of Kuwamoto et al. (Patent # US 5353399)

As to claim 25, Henmi discloses a reception device for controlling a recording module (e.g., image recording/reproducing apparatus 25; Fig. 9), comprising:

receiving means (e.g., reception means A; Fig. 9 and 16) for receiving a particular format file transmitted through a network (e.g., television-program table information is transmitted using teletext formats in a coding transmission system);

said particular format file including text based control commands (e.g., program start and program terminate information) that control said recording module (e.g., based on program start and program terminate information received, start instruction means 23 and termination instruction means 24 sends command to start/stop recoding program) (see col. 3, lines 30-47; col. 4, lines 1-14, 45-60; col. 6, line 4 through col. 7, line 11; col. 7, line 35-col. 8, line 45; col. 11, line 54 – col. 12, line 12);

extracting means (e.g., signal extracting section 1; Fig. 9 and 16) for extracting at least one of said text based control commands from the received particular format file (co. 6, lines 6-12; col. 11, lines 54-62);

control means (e.g., comparator means 22 ; Fig. 9) for controlling said recording module based on the extracted text based control commands (i.e., based on program start/terminate information received to start/stop recording),

wherein the control means converts the text based control commands to codes based on pre-registered product information of the recording module (i.e., “an image recording/reproducing apparatus control section 38 for generating a control signal to an image recording/reproducing apparatus 39 by control information obtained by the added data decoder section 36”; the product information/or control codes must known to the system in order for the system to control the recoding apparatus) (see col. 6, line 62 – col. 7, line 10; col. 11, line 54-col. 12, line 20; col. 13, line 55-col. 14, line 15),

wherein the particular format file includes a text portion corresponding to the text based control commands (e.g., the program start/terminate information) (col. 3, lines 30-47; col. 4, lines 1-14, 45-60; col. 6, line 4 through col. 7, line 11; col. 7, line 35-col. 8, line 45; col. 11, line 54 – col. 12, line 12),

wherein the text portion has a different format distinguishing the text portion from other portion of the particular format file (e.g., the program start/terminate information has predetermine bits and bit position in a data stream) (col. 3, lines 30-47; col. 4, lines 1-14, 45-60; col. 6, line 4 through col. 7, line 11; col. 7, line 35-col. 8, line 45; col. 11, line 54 – col. 12, line 12)

wherein said control means uses a timer reservation function to reserve an operation time of said recording module (see col. 6, line 62 – col. 7, line 10).

Henmi does not specifically disclose recording modules with different code systems are controlled after the recording modules are registered.

Oda discloses recording modules with different code systems are controlled after the recording modules are registered (e.g., controller 20 stores VTR control command in memory 30; Fig. 1) (see col. 2, lines 15-32; col. 3, line 40-col. 4, line 32).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Henmi's system to include control code register as taught by Oda in order to provide an audio/visual system with remarkably enhancing the handling convenience (see col. 2, lines 1-19).

Henmi and Oda do not specifically disclose the codes are downloaded from a server via internet after the recording module is registered.

Haroun discloses the codes are downloaded from a server via internet after the recording module is registered (see col. 7, line 43-col. 8, line 10),

It would have been obvious to one of ordinary skill in the art at the time of invention to include device registration as taught by Haroun in the recoding system of Henmi as modified by Oda for the typical benefit of ease of use, improved functionality, and reduced costs resulting from the elimination of the interface components of the consumer electronics devices (see col. 1, lines 25-29).

Henmi, Oda and Haroun do not specifically disclose an icon representing the recording module.

Kuwamoto discloses an icon representing the recording module (see col. 11, lines 20-44; Fig. 12),

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include device registration as taught by Haroun in the recoding system of Henmi as modified by Oda and Haroun for the benefit of ease use/control of each consumer electronics devices (see col. 2, lines 5-25)

As to claims 30 and 35-36, they contain the limitations of claim 25 and are analyzed as previously discussed with respect to claim 25 above.

As for claims 26 and 31, note the discussion above, Henmi fails to disclose that said network through which the data is received is the Internet.

Haroun discloses the codes are downloaded from a server via internet after the recording module is registered (see col. 7, line 43-col. 8, line 10),

It would have been obvious to one of ordinary skill in the art at the time of invention to include device registration as taught by Haroun in the recoding system of Henmi as modified by Oda for the typical benefit of ease of use, improved functionality, and reduced costs resulting from the elimination of the interface components of the consumer electronics devices (see col. 1, lines 25-29).

As to claims 27 and 32, Henmi discloses that said operation time of said recording module is stored in a memory (e.g., means 5; Fig. 9 and 16) (see col. 6, line 4 through col. 7, line 11; col. 12, lines 1-8).

As to claims 28 and 33, Henmi discloses that said recording module is a video recording module (see col. 4, line 49 – col. 5, line 14; col. 6, lines 52- 67).

As to claims 29 and 34, Henmi discloses that said recording module is a television program recording module (col. 4, line 49 – col. 5, line 14; col. 6, lines 52-67).

As for claims 37 and 39, note the discussion above, Henmi discloses recording module and storage means (see col. 6, line 4 through col. 7, line 11).

Henmi fails to disclose recording module is registered in a storage means accessible by said reception device.

In analogous art, Haroun disclose recording module is registered in a storage means accessible by said reception device (e.g., VCR is connected to computer 15 with IEEE 1394/USB bus which will cause computer 15 assign a ID to VCR; Fig. 1) (see col. 4, lines 5-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include device registration as taught by Haroun in the recoding system of Henmi as modified by Oda for the typical benefit of ease of use, improved functionality, and reduced costs resulting from the elimination of the interface components of the consumer electronics devices (see col. 1, lines 25-29).

As to claims 38 and 40, Henmi fails to disclose the registration information is retrieved each time said text control commands are received by said receiving means.

Haroun discloses the registration information is retrieved each time said text control commands are received by said receiving means (e.g., every command string includes device's name) (see col. 8, lines 39-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include device registration as taught by Haroun in the recoding system of Henmi as modified by Oda for the typical benefit of ease of use, improved functionality, and reduced costs resulting from the elimination of the interface components of the consumer electronics devices (see col. 1, lines 25-29).

Response to Arguments

8. Applicant's arguments with respect to claims 25-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Claims 25-40 are rejected.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2426

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishigaki et al. (US Patent # 5900912) is cited to teach by detecting start time data from video signal to start recoding video.

Iwamura (patent # US 5883621)

Humpleman et al. (Patent # US 6288716)

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUN FEI ZHONG whose telephone number is (571)270-1708. The examiner can normally be reached on M-F, 7:30~5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on 571-272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2426

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ
9/28/2009

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
September 28, 2009